

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SHERYL ANDERSON, ZINA BRENNER,
MARY CARTER, TENA DAVIDSON,
RAMZI KHAZEN, LILY MARTYN,
SHONTELLE THOMAS, and JOSEPH
WATSON individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

LABORATORY CORPORATION OF
AMERICA HOLDINGS,

Defendant.

Case No. 1:17-cv-911

**STIPULATION AND ORDER FOR
DISMISSAL WITHOUT
PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs and Defendant Laboratory Corporation of America Holdings (“LabCorp”), through their undersigned counsel, hereby agree and stipulate to the following matters:

WHEREAS, on March 8, 2017, plaintiffs Victoria Bouffard, Michelle Sullivan, Holden Sheriff, and Tiara Scott filed a class action complaint against LabCorp with respect to LabCorp’s billing practices, denominated *Bouffard, et al. v. Laboratory Corporation of America Holdings*, Case No. 1:17-CV-193 (“*Bouffard*”).

WHEREAS, LabCorp moved to dismiss the *Bouffard* action and to strike the class allegations in the *Bouffard* complaint (*Bouffard* ECF No. 11).

WHEREAS, during the pendency of LabCorp's motion to dismiss the *Bouffard* action, plaintiffs' counsel was retained by other individuals with similar claims against LabCorp.

WHEREAS, on October 10, 2017, plaintiffs' counsel filed a second class action complaint against LabCorp asserting substantially similar claims as in *Bouffard* on behalf of Sheryl Anderson, Zina Brenner, Mary Carter, Tena Davidson, Ramzi Khazen, Lily Martyn, Shontelle Thomas, and Joseph Watson to avoid the running of the statute of limitations and to apprise the Court of similarly situated claims by alleged class members. The complaint was denominated *Anderson, et al. v. Laboratory Corporation of America Holdings*, Case No. 1:17-cv-911 ("*Anderson*").

WHEREAS, on November 3, 2017, the parties in *Anderson* filed a Joint Motion for Stay "until after the Court rules on LabCorp's pending Motion to Dismiss Plaintiffs' Complaint and Strike Class Allegations in *Bouffard*. . . ." (*Anderson*, ECF No. 5).

WHEREAS, on November 8, 2017 this Court granted the stay motion in *Anderson* and entered an Order staying the *Anderson* action (*Anderson*, ECF No. 6).

WHEREAS, on March 28, 2018, the Court entered a Memorandum Opinion and Order in the *Bouffard* action, dismissing plaintiffs' claims without prejudice (*Bouffard*, ECF No. 32).

WHEREAS, on May 11, 2018, plaintiffs in *Bouffard* filed a motion for leave to file an Amended Complaint (*Bouffard*, ECF No. 35). That motion appended a proposed Amended Class Action Complaint (ECF No. 35-1). The proposed Amended Class Action Complaint included plaintiffs who had been named in the *Bouffard* and *Anderson*

actions, as well as other individuals who had retained plaintiffs' counsel after the filing of *Anderson*. Certain plaintiffs in *Bouffard* and *Anderson* whose claims had been mooted were not named in the Amended Complaint.

WHEREAS, on August 7, 2018, this Court granted plaintiffs' motion to file the Amended Complaint in the *Bouffard* action (ECF No. 41).

WHEREAS, those plaintiffs named in both the *Anderson* and *Bouffard* actions (including plaintiffs Sheryl Anderson, Mary Carter, Tena Davidson, Ramzi Khazen, Lily Martyn, Shontelle Thomas, and Joseph Watson) do not intend the dismissal of the *Anderson* action (No. 1:17-cv-911) to waive or dismiss any of their claims or causes of action in the *Bouffard* action (No. 1:17-cv-193) subject to the limitations on any such claims as set forth in the Court's Opinion and Order granting in part and denying in part Defendant's motion to dismiss and strike the class allegations in the Amended Complaint entered in the *Bouffard* action on August 19, 2019 (*Bouffard* ECF No. 55).

WHEREAS, all currently existing claims that had been asserted in the *Anderson* action have been incorporated into the Amended Complaint in the *Bouffard* action, LabCorp has not answered the complaint in the *Anderson* action, and no good purpose will be served by the retention of the *Anderson* action as a separate proceeding.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties hereto, through their undersigned counsel, as follows:

1. The *Anderson* action is hereby dismissed without prejudice and without fees, costs, or expenses to any party.
2. The Clerk of the Court is directed to close the *Anderson* action.

/s/ Thomas D. Schroeder
United States District Judge

Dated: October 15, 2019

/s/ Jonathan D. Sasser

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